

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

ANTONIO HERNANDEZ- GONZALEZ,	:	
	:	CIV. NO. 23-2621 (RMB)
	:	
Petitioner	:	
v.	:	<b>MEMORANDUM OPINION</b>
	:	
WARDEN, FCI FORT DIX,	:	
	:	
Respondent	:	

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**IT APPEARING THAT:**

1. On or about May 17, 2023, Petitioner Antonio Hernandez-Gonzalez, a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey (“FCI Fort Dix”), filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, alleging the Bureau of Prisons (“BOP”) unlawfully found him ineligible for application of First Step Act (“FSA”) Time Credits to reduce his period of incarceration. (Pet., Docket No. 1.)

2. On July 27, 2023, Respondent submitted an answer to the petition, asserting Petitioner was statutorily ineligible to apply FSA Time Credits because he was subject to a final order of removal. (Answer, Dkt. No. 6 at 17, citing 18 U.S.C. § 3632(d)(4)(E)(i); Declaration of Jason Burke, Dkt. No. 6-2 ¶ 9; Exhibit A, Dkt. No. 6-3.)

3. On October 2, 2023, Respondent submitted a letter to the Court, requesting dismissal of the petition as moot because Petitioner Antonio Hernandez-

Gonzalez was released from BOP custody to ICE custody on September 1, 2023. (Dkt. No. 7; Exhibits A and B; Dkt. No. 7-1.)

4. “If developments occur during the course of adjudication that eliminate a plaintiff’s personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot.” *Blanciak v. Allegheny Ludlum Corp.*, 77 F.3d 690, 698–99 (3d Cir. 1996).

5. Petitioner, who is no longer in BOP custody, may no longer apply FST Time Credits to his early release or prerelease custody. Therefore, the petition is moot, and the Court will dismiss this matter.

An accompanying Order follows.

DATE: **November 9, 2023**

s/Renée Marie Bumb  
RENÉE MARIE BUMB  
Chief United States District Judge